

REMARKS

This responds to the Final Office Action mailed on May 27, 2009.

Claims 1, 8, 10, 14, 16, and 20 are amended; claims 3-5, 7, 9, 11, and 22-30 were previously canceled, without prejudice to or disclaimer by the Applicant; as a result, claims 1-2, 6, 8, 10, and 12-21 are now pending in this application.

Example support for the amendments may be found throughout the original filed specification. By way of example only, the Examiner's attention is directed to the original filed specification page 5 line 29 to page 6 line 5; page 6 lines 14-18; page 9 lines 26-28; page 10 line 24 to page 12 line 12; page 11 lines 16-24; page 12 lines 20-25; and page 16 lines 13-15.

Applicant has made a number of amendments in response to informalities asserted by the Examiner and the other amendments are believed to place the application in condition for allowance. Therefore, Applicant respectfully believes that entry of the amendments is warranted and respectfully requests the same from the learned Examiner.

Specification Objections

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter under 37 CFR 1.75(d)(1) and MPEP 608.01(o). Applicant has removed the word "storage" from the independent claims and the phrase "computer-readable storage medium" to now just read "computer-readable medium," which is present in the specification. Thus, this objection is now obviated.

However, Applicant notes that the test has always been whether one of ordinary skill in the art after having read the specification would have believed that support existed in the specification for terms or phrases used in the claims. Applicant believes that anyone of even mediocre skill in the art would have believed that support for the use of the term "storage" was clearly inherent in the specification. It has never been the case that the exact terms and phrases need to exist in the specification for terms and phrases used in the claims, the test has always been whether one of ordinary skill in the art would believe upon reading the disclosure that support for claim language existed. But, Applicant has redacted the offending term so there is no

longer any issue; Applicant just wanted the record to reflect that Applicant believes support did in fact exist in the original specification as drafted for usage of the term “specification.”

Claim Objections

Claims 1, 10, 14 and 20 were objected to due to informalities. Applicant has corrected these informalities in the exact manner requested by the learned Examiner; as such, these objections are now moot points.

§ 112 Rejection of the Claims

Claims 1, 2 and 6 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Again, Applicant would like to note for the record that the Examiner appears to be requiring that the “exact” wording for claim elements be present in the specification. The Examiner is directed to MPEP 2136.07 sections I (Rephrasing) and (a) (Inherent Function, Theory, or Advantage). The requirement is not that the specification include the “exact” wording as is present in claims. The question is whether the language is inherent and/or equivalent. Applicant believes that clearly the language being rejected in the claims is equivalent to other language in the specification or inherent within the specification based on one of ordinary skill in the art reading the specification. So, Applicant would like the record to reflect that Applicant believes the section 112 rejections and specification objections are being misapplied by the learned Examiner.

However, in an effort to move prosecution along, Applicant has reworded claims 1, 2, and 6 to conform to language that is present in the specification verbatim. As a result, these rejections are now moot points.

Claims 1 and 8 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claims 2, 6 and 10-12 were rejected due to a dependency on claim 1 and 8 respectively.

Again, Applicant has reworded the offending phrases in the independent claims to clarify processing that conforms with the specification. As such, these rejections are now moot points and Applicant respectfully requests that the learned Examiner remove these rejections.

§ 103 Rejection of the Claims

Claims 1, 2, 6, 8, 13, 166 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Subramaniam et al. (U.S. 6,081,900) in view of Barton et al. (U.S 2003/0131259 A1) and further in view of Bazot et al. (U.S. 2004/0073629 A1). It is of course fundamental that in order to sustain an obviousness rejection that each and every element of the rejected claims must be taught or suggested in the proposed combination of references.

Here, the proposed combination fails to teach or suggest any notion of detection of a true insecure reference that has been tampered with, such as a reference that includes a cookie with its metadata or header. This element has been added to the independent claims in various forms above; and as such, the rejections are now moot and the claims should be allowed. Applicant respectfully requests an indication of the same.

Claims 10, 12, 14, 15 and 18-21 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Subramaniam et al. in view of Barton et al., further in view of Bazot et al. and further in view of “Netscape Proxy Server Administrator’s Guide Version 3.5 for Unix”, 1997, hereinafter Netscape_unix_v3.5. These claims are dependent from amended independent claims 1, 8, and 16; thus, based on the amendments and remarks presented above with respect to independent claims 1, 8, and 16, the rejections of claims 10, 12, 14, 15, and 18-21 should be withdrawn. Applicant respectfully requests an indication of the same from the learned Examiner.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record is relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

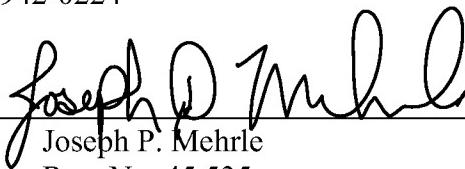
Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402--0938
(513) 942-0224

Date 07-27-09

By / Joseph P. Mehrle /
Joseph P. Mehrle
Reg. No. 45,535